

# **Town of North Smithfield Ordinance Development Committee**

**February 9, 2012 7PM**

**Primrose Fire Station**

**Providence Pike, N. Smithfield, RI 02896**

## **February Monthly Meeting**

### **Minutes**

- 1. Call to order: President Zwolenski called the meeting to order at 7:00 pm.**
- 2. Roll call: Members present included Mr. Zwolenski, Dr. Shumway, Mr. Soares, Dr. Benoit, and Dr. Brennan. Town Planner, Mr. Ericson was present. Mr. Juhr who had informed the Committee of a work related conflict arrived during the meeting. Mr. Puccetti had a conflicting Town related meeting.**
- 3. Acceptance of the meeting minutes from January 12, 2012: It was moved, seconded and passed unanimously to amend the proposed minutes, item 6, by addition to read: “Dr. Shumway distributed the latest version of the Groundwater Aquifer Protection Overlay District map and revised Ordinance. It was moved, seconded and passed unanimously to accept the minutes as amended. [Soares/Shumway]**
- 4. Dr. Benoit expressed concerns relative to the timely posting of the meeting notices and advised that the Open Meetings law should be**

strictly followed. The group by general consent, with Dr. Benoit dissenting, determined to continue but not to take action on the Groundwater Aquifer Overlay District Ordinance. This will be referred to a Special Meeting. A tentative date of February 16 was eventually set.

## **5. Reports**

### **a. Town Council: [Mr. Zwolenski]**

i. Mr. Zwolenski noted that the SWPPP Ordinance was not passed and is being sent back to the ODC on concerns that it is excessively onerous and anti development. Dr. Shumway noted that the Ordinance is consistent with the present town law and the State of Rhode Island's laws and directives to the Town. Dr. Benoit suggested we use the Burrillville Ordinance as a model. Dr. Shumway pointed out that from her lengthy conversation with the Burrillville Town Planner Zoning official that that Town is going to have to update their ordinance to satisfy State requirements. but feel that 10 days for the One of the objections expressed was the length of time necessary for plan review. Although most of the Committee felt that to give the Building Inspector 10 days to notify and request comment from the pertinent review authorities, local departments and agencies, et c. and ten days to review their responses before replying to the applicant properly protected the Town, the Committee is willing to shorten the time these departments and agencies have to respond to the Building Inspector from 45 days to 21 days. [Section 18.8] After some discussion on the use of the verbs 'will' and 'shall', and noting how they are used in the State directives and other ordinances, the

majority of the Committee felt the present usage in the Ordinance was in the Town's best interest.

ii. The OWTS Ordinance is still being considered. Dr. Shumway is arranging a meeting of interested parties and Dr. Jaubert of URI to further refine the Ordinance so that all sections of the Town will be protected. It was noted that some areas are more vulnerable than others.

iii. Mr. Ericson will check with the Town Clerk to see when the Parking and Loading Ordinance will come before the Council.

iv. The Council is proceeding with the MU1 and MU2 Mixed Use Ordinance and has scheduled a second reading. Mr. Zwolenski is hopeful that the Council will eventually pass a MU1/MU2 Mixed Use Ordinance. Mr. Ericson noted that this process can proceed but that enactment will be delayed until the District Use Table is updated and passed.

v. It was noted by Dr. Shumway that the Town Council in the past 2 years has either rejected, or is unreasonably delaying the passage of Ordinances sent to them by the Ordinance Development Committee. She noted that there are even members of this Committee, silent at ODC meetings, who advise the Town Council to reject the Committee's work. She noted it was necessary for the all Committee members to be present at Council meetings to testify on the issues being considered to enable and encourage the Council to move favorably and expeditiously on these ordinances. It was the general consensus of the Committee that all members of the Committee should be open to share their concerns, vision, and ideas during the

development of the ordinances while in committee in order to fashion the best and most acceptable ordinances possible. The right of any member to express to anyone his/her concerns with any part of the Committees decisions at any time was never questioned.

vi. A discussion followed as to the value of the committee given its poor record of acceptance by the Town Council. Mr. Ericson noted that a private group can develop Ordinances for consideration by the Council. Such a group would not be limited by the Council's directives, or subject to the burdens of the Open Meetings Law.

## **6. Ordinance Development**

### **a. Ground Water Protection Overlay District**

i. Mr. Ericson distributed the updated Groundwater Protection Overlay District map. The Committee asked that it be further refined to include the revision date, enlarged legend font, and more accurate item inclusions in the legend. He will attempt to have this completed for the proposed Special Meeting.

ii. Dr. Shumway noted again the further clarifications added to the Ordinance distributed at the last meeting. These clarifications refer to the map and do not change the substance of the Ordinance.

iii. It was suggested and passed with a 4-1 vote with Dr. Benoit dissenting, to change Section 9.10.C to read as follows: The maximum percentage of a lot covered by impervious surfaces [pavement, principal and accessory buildings, et c,] shall be 25 %.

iv. Mr. Ericson suggested that Section 9.3 be amended by substituting 'the 1750-foot radius' with 'the indicated radius'.

v. Mr. Ericson suggested that this Ordinance remain in its present

**position in the Town's ordinances and be renumbered starting at Section 6.19.**

**vi. Dr. Shumway will revise the Ordinance including the above changes for review by the Committee.**

**vii. The Ordinance and map will be considered for passage at the Special Meeting.**

**b. It was moved, seconded and unanimously passed to extend the meeting for 30 minutes. [Juhr/Shumway]**

**c. District Use Table, Section 3.4 – Revised by the N.S.R.A. 5.23.11**

**i. The Committee reviewed the Proposed uses for MU1 and MU2 Districts. The following changes were suggested:**

**1. That Religious Institutions or Place of Worship be allowed in both districts by right.**

**2. That sewerage or water plant or infrastructure, non municipal be allowed by special permit in MU2**

**3. That night club, tavern, Lounge (adult entertainment) not be allowed in MU2**

**4. That Cellular Communications Tower-Lattice or Guyed, any height up to 200 feet in height (subject to the restrictions of section 17) not be allowed in either district.**

**5. That Retail Sales & Service from 3,000 sf gla up to 15,000 sf gla with drive thru be added to the table and not be allowed in either district.**

**6. That Retail Sales & Service from 3,000 sf gla up to 15,000 sf gla without drive thru be added to the table and allowed by right in MU1. It would also be allowed by right in BH and BN.**

**7. That Retail Sales and Services, up to 40,000 sf with a Drive Thru be amended to read as follows: That Retail Sales and Services greater than 15,000 sf gla up to 40,000 sf gla with a Drive Thru.**

**8. That Retail Sales and Services, up to 40,000 sf without a Drive Thru be amended to read as follows: That Retail Sales and Services greater than 15,000 sf gla up to 40,000 sf gla without a Drive Thru.**

**9. That all notices of square feet, sf, be further designated as gross leasable area, gla**

**ii. It was moved, seconded, and passed unanimously to extend the meeting an additional 30 minutes. [Zwolenski/Shumway]**

**7. It was moved, seconded and unanimously passed to adjourn the meeting at 9:57pm**